Billy Parris

Who is commenting? *(choose the best fit)*
Representative of a product manufacturer(s)

If you represent a product manufacturer or industry group, what industry(ies) do you represent?
SEW-EURODRIVE Inc.

If you represent a product manufacturer, what types of components, products, or product categories do you manufacture that you will be requesting a CUU determination for?
Electric motors for generating a rotary motion or linear motion from electrical energy
Frequency inverters for controlling the speed, direction of rotation and power of the motor
Gear units and industrial gear units for converting the mechanical power of the motor, i.e. increase of the torque by reducing the speed (or vice versa)

Do you have any recommended changes or other considerations that you think the MPCA should take into account when defining the term "essential for health, safety, or the functioning of society"? *(Please review the proposed definitions in the rule concept document prior to answering)*
We recommend ensuring that the definition of “essential for health, safety, or the functioning of society” adequately reflects the importance of modern industrial processes. The current wording appears to focus primarily on meeting basic human needs but does not sufficiently consider the role of machinery, processing systems, and logistics infrastructure that enable contemporary levels of productivity and societal functioning.
Restrictions that significantly impair industrial efficiency or operational continuity would have extensive negative impacts. Therefore, machinery, processing equipment, and logistics systems should be explicitly recognized as essential for the functioning of society.
Additionally, it is important to note that manufacturers of intermediate products often do not have full visibility into the final applications of their products. This should be taken into account when defining essential uses.

Do you have any recommended changes or other considerations that you think the MPCA should take into account when defining the term "alternative"? *(Please review the proposed definitions in the rule concept document prior to answering)*
The current definition appears to focus on alternatives that ultimately result in a “functionally equivalent product.” In regulatory frameworks such as EU REACH, comparable terminology typically distinguishes between substances, mixtures, and articles. It is therefore unclear whether manufactured items (articles) are intended to be included within the term “product” or deliberately excluded. Clarification is recommended on

whether this limitation is intentional and how manufactured items are addressed within the rule

Do you have any recommended changes or other considerations that you think the MPCA should take into account when defining the term "reasonably available"? (*Please review the proposed definitions in the rule concept document prior to answering*)
No changes.

When considering the proposed definition of “product category”, how broadly should the agency group product categories? *(Examples: “vehicles” versus “sedans, SUV’s, vans, trucks, RV’s” or "printers" versus "receipt printers, thermal printers, label printers, residential printers, commercial printers, etc.")*
No changes.

Should each request for a CUU determination be limited to a single product category, or should applicants be allowed to submit a request for a CUU determination for multiple product categories?
Applicants should be allowed to submit a CUU determination request covering multiple product categories, as the underlying technical justification for a CUU will often apply across several categories. Limiting submissions to a single category would lead to redundant applications without improving regulatory outcomes. In many cases, a CUU is linked to a functional or technical necessity that naturally spans multiple product categories, so separate applications would impose unnecessary administrative burden for both industry and the agency.
It may also be useful to consider an alternative structure in which CUU applications can be made at the level of substances, mixtures, or simple (less complex) manufactured items. Downstream manufacturers of more complex products depend on such inputs but typically do not have deeper technical insight into material properties or PFAS functionality than the component manufacturer. If a CUU has been granted for an input material, downstream companies should not be required to resubmit a CUU application based on the same technical reasoning. This would help reduce the administrative load throughout the supply chain.
According to Slide 15 of the Rule Concepts presentation, CUU determinations apply only to the manufacturers listed in the request, and applicants may request a similar CUU determination if a positive CUU has been issued for a product in the same product category. This raises practical challenges. On Slide 16 of the Rule Concepts presentation the term “product” in this context is not clearly defined, which makes it uncertain whether a downstream manufacturer may rely on a CUU obtained by a supplier of a component. For example, if a manufacturer of a sealing ring receives a CUU, it is unclear whether a manufacturer of a more complex product containing that sealing ring can rely on the same determination, even though the downstream manufacturer would not have more detailed technical information. Manufacturers of production equipment, who integrate such components into machinery, would likely have even less insight. Differences in product classification systems (e.g., HTS codes) could place similar technical uses into different product categories, despite identical justification for a CUU.
If each

manufacturer or importer of complex products is required to apply individually, this would result in extensive duplication of effort across the entire supply chain, with no additional benefit for regulatory oversight. It also raises questions about whether all operators in the supply chain would need to apply separately; whether CUU applications should be made for each component or only for final products; and how manufacturers should determine whether components supplied to them qualify for an existing CUU. Clarification is needed to ensure consistent interpretation and to avoid unnecessary administrative burden.
Finally, if a derogation for a comparable use has been granted under the EU REACH PFAS restriction process, such a determination could reasonably be considered an adequate basis for a CUU under the Minnesota PFAS Rule, given the comparable level of technical assessment and due diligence involved.

What safety or other standards require the use of PFAS in a product? *(Please include the specific citation)*
Safety and performance requirements often result from a combination of standards, regulatory specifications, and customer-specific technical criteria. In many cases, these requirements can only be met by materials containing PFAS. For example, UL certification schemes include specific performance tests, such as requirements for flammability, dielectric strength, or long-term thermal stability that only certain materials are able to fulfill. As a result, manufacturers may be required to use PFAS-containing materials to ensure compliance with applicable safety or performance standards.

The agency is seeking feedback on the potential that the initial positive CUU determination duration for existing products will expire eight years from the date of issuance regardless of product category. This is intended to stagger renewal deadlines and ease the administrative burden of processing renewals.

- Do you have any concerns about unintended consequences with this proposal?
- Do you have any alternative recommendations to stagger renewal deadlines?

An initial duration of eight years for a positive CUU determination appears too short, especially for industrial applications with long development and qualification cycles. It would be advisable to align the duration with the derogation periods granted under the EU REACH PFAS restriction process

The MPCA has developed a preliminary list of potentially eligible data categories that may be considered for trade secret requests. *(Please review the rule concept document for the list of potentially eligible data)*

- Do you have any concerns about unintended consequences with this proposal?
- Do you have any alternative recommendations for data that should or should not be eligible for trade secret requests?

Yes. CUU requests should only be published in an anonymized form. Identifying manufacturers by name should be avoided; a submission ID or similar reference would be sufficient to link to previously submitted CUU applications without disclosing company identities.

What are the potential ongoing costs to society if the commissioner issues a positive currently unavoidable use determination for the continued use of PFAS within a product or product category? *(For example: environmental, human health, or remediation costs)*
Requesting a CUU determination could create an extreme administrative burden across entire supply chains, as every actor might be required to submit a separate CUU application. This would result in significant and economically unrealistic amounts of redundant work without adding regulatory value.

For manufacturers: Administrative cost of requesting a CUU determination (Part 1 of 2). *Please provide your best estimates or rough orders of magnitude (for example "approx. 200 hours"). Precise accounting data is not necessary to answer this question.*

If your company currently possesses information regarding intentionally added PFAS (to the CAS number level) for all components in your product lines, please estimate the number of technical staff hours that were required to establish this baseline.
Not applicable

For manufacturers: Administrative cost of requesting a CUU determination (Part 2 of 2). *Please provide your best estimates or rough orders of magnitude (for example "approx. 200 hours"). Precise accounting data is not necessary to answer this question.*

If your company does not possess information regarding intentionally added PFAS (to the CAS number level) for all components in your product lines, please estimate the number of technical staff hours needed to obtain this data from your Tier 2 or 3 suppliers for a single product line.
More than 500 hours

For manufacturers: Expenditure considerations when seeking non-PFAS alternatives (Part 1 of 2). *Please provide your best estimates or rough orders of magnitude (for example "primary cost is CapEx"). Precise accounting data is not necessary to answer this question.*

If you have identified a technically viable non-PFAS alternative for one of your products that contains intentionally added PFAS, does implementing this alternative

require Capital Expenditure (such as purchasing new molds, retooling machinery) or primarily Operational Expenditure (such as purchasing more expensive raw materials)?

- Please estimate the ratio of Capital Expenditure to Operational Expenditure (or indicate which category is the dominant cost driver).

Not applicable.

For manufacturers: Expenditure considerations when seeking non-PFAS alternatives (Part 2 of 2).

If you have not identified a technically viable non-PFAS alternative for one of your products that contains intentionally added PFAS, have you conducted a Research & Development (R&D) feasibility study?

- If so, what was the cost of that study?

Unable to estimate at this time. Work is ongoing and exists with upstream component providers.

For manufacturers: Research and development safety validation cycles.

What is the typical duration of the R&D and safety validation cycle for a reformulated product in your sector (from concept to market entry)?

Does this cycle align with the 5-year renewal period typically associated with regulatory exemptions?

- If not, please explain the specific technical barriers that would require a longer validation period.

See comments to question 11.

Do you have any additional questions or comments regarding the PFAS in products: Currently unavoidable use rule? *(Please note that we may be unable to respond to specific questions regarding rule content in this phase of the rulemaking process)*

Regarding draft Rule Concept presentation:p.27: The feasibility of identifying potential alternatives as described in the proposed definition raises practical limitations for complex products. Determining suitable alternative materials, processes, or chemical compositions—including the concentration needed for a component to perform its intended function—is expertise that typically lies with the component supplier. Manufacturers of complex equipment generally do not possess the detailed formulation knowledge required to evaluate or modify material compositions. For example, a machinery manufacturer can only test seals or other components that are commercially available, without insight into the precise concentrations or functional additives required to achieve performance. Expecting downstream manufacturers to identify or specify such alternatives would therefore not be practical and would not reflect the division of technical responsibilities within the supply chain